[THE BOMBAY MEDICAL ACT, 1912.]

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THE SCHEDULE.

BOMBAY ACT No. VI OF 1912[1].

[*25th June, 1912.*]

An Act for the registration of medical practitioners.

WHEREAS it is expedient to provide for the registration of medical practitioners in the Presidency of Bombay ; And whereas the previous sanction of

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[1] For Statement of Objects and Reasons, *see* Bombay Government Gazette, 1911, Pt. VII, p. 389 ; for Report of Select Committee, *see ibid*, 1912, Pt. VII, p. 103; and for Proceedings in Council, *see ibid*, 1912, Pt. VII, pp. 45 and 189.

the Governor General required by section 5 of the Indian Councils Act, 1892[1], has been obtained for the passing of this Act; It is hereby enacted as follows :—

Short title, extent and definition.

1. (*1*) This Act may be called the Bombay Medical Act, 1912.

(*2*) It extends to the whole of the Bombay Presidency.

(*3*) In this Act the expression "the Medical Acts" means the Medical Act, 1858, and any Acts amending the same.

Bombay Medical Council.

[2][**2.** (*1*) A Council, herein referred to as "the Medical Council", which shall be called "the Bombay Medical Council", shall be established for the Presidency of Bombay.

(*2*) The Medical Council shall consist of thirteen members registered under this Act who shall be appointed in the following manner, namely :—

(*a*) a President nominated by the Governor in Council ;

(*b*) six members nominated by the Governor in Council ;

(*c*) four members elected by the Doctors, Bachelors and Licentiates of Medicine, and the Masters, Bachelors and Licentiates of Surgery of the University of Bombay who are registered under this Act;

(*d*) two members elected by the medical practitioners who are registered under this Act, and who are not Graduates in Medicine or Surgery or Licentiates in Medicine or Licentiates in Medicine and Surgery of the University of Bombay.

(*3*) Elections of members shall be held at such time and place and in such manner as the Medical Council shall direct by rules or regulations made from time to time in this behalf.]

Tenure of office.

3. (*1*) The members of the Medical Council shall hold office for a term of five years, and shall be capable of re-appointment.

(*2*) Any member may at any time resign his appointment by letter addressed to the President of the Medical Council.

(*3*) Upon the death or resignation of any member of the Medical Council, some other person shall be appointed a member of the Medical Council in his place by nomination or election, as the case may be, in accordance with the provisions of sub-section (*2*) of section 2, and such person shall hold office for the remainder of the period for which the member in whose place he is appointed was nominated or elected.

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[1] *See* now s 80 A of the Government of India Act.

[2] Section 2 was substituted by s. 2 of the Bombay Medical (Amendment) Act, 1918 (Bom. Act 4 of 1918), *infra*.

(*4*) (*a*) Leave of absence from India may be granted by the Medical Council to any member thereof for a period not exceeding six months.

(*b*) If any member of the Medical Council leaves India without the leave of the Medical Council, or does not return to India within the period of the leave granted by the Medical Council, the Medical Council may forthwith declare his seat vacant and such declaration shall have the same effect as resignation of his seat by the member concerned.

(*c*) In any case not provided for in clauses (*a*) and (*b*) if any member of the Medical Council shall absent himself from three consecutive meetings of the Medical Council, the Medical Council may forthwith declare his seat vacant and such declaration shall have the same effect as resignation of his seat by the member concerned.

Time and place of meeting of Council.

4. The Medical Council [1]*** shall make such rules and regulations as may be necessary with respect to the times and places of the meeting of the Medical Council, and the mode of summoning the same. In the absence of any rule or regulation as to the summoning of a meeting of the Medical Council, it shall be lawful for the President to summon a meeting at such time and place as to him shall seem expedient, by letter addressed to each member; and at every meeting, in the absence of the President, some other member, to be chosen from the members present, shall act as President; and all acts of the Medical Council shall be decided by the votes of the majority of the members present at any meeting, the whole number present not being less than eight, and at all such meetings the President for the time being shall, in addition to his vote as a member of the Medical Council, have a casting vote in case of any equality of votes.

Registrar and officers.

5. (*1*) The Medical Council shall appoint a Registrar, and may from time to time grant leave to the Registrar and appoint a person to act in his place. Any order of the Medical Council appointing, granting leave to or dismissing a Registrar or appointing a person to act as Registrar shall be subject to the previous approval of the Governor in Council. The Registrar and any person appointed to act as Registrar shall be paid by the Medical Council such salary and allowances as they may from time to time determine. Any person duly appointed to act as Registrar shall be deemed to be Registrar for all the purposes of this Act.

(*2*) The Medical Council with the previous approval of the Governor in Council may appoint such other officers or clerks as may be necessary for the purposes of this Act.

[1] The words "shall hold their first meeting within three months from the commencement of this Act, in such place and at such time as the Governor in Council shall appoint and" were repealed by s. 3 and Schedule of the Bombay Medical (Amendment) Act, 1916 (Bom. Act 4 of 1916), *infra*.

(3) The Registrar and any other officer or clerk appointed under this section shall be deemed to be a public servant within the meaning of section 21 of the [1]Indian Penal Code. XLV of 1860.

Register.

6. The Registrar shall keep a register of medical practitioners in accordance with the provisions of this Act. The register shall be kept in such form as the Governor in Council from time to time directs. The name, residence and qualifications of every person who is registered under this Act shall be entered in the register with the date on which each qualification was granted. It shall be the duty of the Registrar under the orders of the Medical Council to keep the register correct and from time to time to enter any necessary alterations in the addresses of persons registered, and to enter any additional qualifications which any registered person may have obtained subsequent to his registration, and to erase the names of all registered persons who have died; provided that the Governor in Council may prescribe a fee for the entry of any additional qualification. To enable the Registrar duly to fulfil the duties imposed upon him it shall be lawful for him to write a letter to any registered person according to his address on the register to enquire whether he has ceased to practise or has changed his residence, and if no answer is returned to such letter within a period of six months from the sending of the letter, it shall be lawful to erase the name of such person from the register: provided that the same may be restored by direction of the Medical Council if they think fit to make an order to that effect.

Persons entitled to be registered.

[2][**7.** (1) Every person for the time being registered under the Medical Acts shall be entitled to be registered under this Act free of charge on informing the Registrar of the date of his registration under the Medical Acts and giving a correct description of his qualifications with the dates on which they were granted.

(2) Every person who is possessed of any of the qualifications described in the Schedule to this Act (subject to the provisions of section 20) shall be entitled to be registered under this Act on payment of a fee of fifteen rupees, and on giving evidence to the satisfaction of the Registrar of his possession of a qualification fitting him for registration.

(3) The Governor in Council may, after consulting the Medical Council, permit the registration of any person who was actually practising medicine in the Bombay Presidency before the 25th day of June, 1912.

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[1] General Acts, Vol. I.

[2] Section 7 was substituted by s. 3 of the Bombay Medical (Amendment) Act, 1916 (Bom. Act 3 of 1916), *infra*.

(4) The Medical Council may refuse to permit the registration of any person who has been convicted of a cognizable offence as defined in the [1]Code of Criminal Procedure, 1898, or who, being or having been subject to military law, has been convicted under the [2]Army Act or under the [3]Indian Army Act, 1911, of an offence which is also a cognizable offence as so defined, or who after due enquiry has been held guilty by the Medical Council of infamous conduct in any professional respect.] V of 1898. 44 & 45 Vict., c. 58. VIII of 1911.

Appeals and erasure of incorrect entries.

8. (1) Any appeal against the decision of the Registrar respecting a first registration or any subsequent alteration shall be heard and determined by the Medical Council under regulations which shall be made by the Medical Council in this behalf.

(2) Any entry in the register which shall be proved to the satisfaction of the Medical Council to have been fraudulently or incorrectly made may be erased from the register under the orders of the Medical Council.

Removal from register.

9. The Medical Council may direct that the name of any medical practitioner who has been convicted of a cognizable offence as defined in the [1]Code of Criminal Procedure, 1898, [4][or who, being or having been subject to military law, has been convicted under the [2]Army Act or under the [3]Indian Army Act, 1911, of an offence which is also a cognizable offence as so defined] or who after due enquiry has been held guilty by them of infamous conduct in any professional respect, shall be removed from the register, and may direct that any name so removed shall be re-entered. V of 1898. 44 & 45 Vict, c. 58 VIII of 1911.

Qualified practitioners: certificates.

10. (1) [5]*** The expression "legally qualified medical practitioner," or "duly qualified medical practitioner," or any words importing a person recognized by law as a medical practitioner or member of the medical profession, shall, in all Acts of the Governor of Bombay in Council and in all Acts of the Governor General in Council in their application to the Bombay Presidency, mean a medical practitioner registered either under the Medical Acts or under this Act.

(2) [5]*** No certificate required by any Act from any medical practitioner or medical officer shall be valid unless the person signing the same shall have been registered under the Medical Acts or under this Act.

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[1] General Acts, Vol. V.

[2] Collection of Statutes relating to India, Vol. I.

[3] General Acts, Vol. VII.

[4] These words and figures were inserted by s. 4 of the Bombay Medical (Amendment) Act, 1916 (Bom. Act 3 of 1916), *infra*.

[5] The words "After the commencement of this Act" were repealed by s. 3 and Schedule of the Bombay Medical (Amendment) Act, 1916 (Bom. Act 4 of 1916), *infra*.

Unregistered persons not to hold certain appointments.

11. [1] *** [2] [Except with the special sanction of the Governor in Council] no person shall hold any appointment as a Physician, Surgeon or other Medical Officer in any dispensary, hospital, infirmary or lying-in-hospital, not supported entirely by voluntary contributions, or in any public establishment, body or institution, or as a Medical Officer of Health, unless he be registered under the Medical Acts or under this Act.

Notice of death.

12. Every Registrar of deaths on receiving notice of the death of a medical practitioner registered under this Act shall forthwith transmit by post to the Registrar appointed under this Act a certificate under his own hand of such death with the particulars of time and place of death and may charge the cost of such certificate and transmission as an expense of his office.

Medical Council authorised to call for information and attend examinations.

13. The Medical Council shall have authority to call on the governing body or authorities of any Medical College or School and on any examining body included in or desirous of being included in the Schedule—

(*a*) to furnish such particulars as the Medical Council shall require of any course of study prescribed or examination held by such body or authority or in such School or College with reference to the grant of any medical or surgical qualification, and

(*b*) to permit any member of the Medical Council deputed by the Medical Council in this behalf to attend and be present at any such examination.

Exemption from serving on inquests.

14. Notwithstanding anything in any other law for the time being in force, every person who shall be registered under this Act shall be exempt, if he so desires, from serving on any inquest.

Fees payable to members.

15. There shall be paid to the members of the Medical Council such fees for attendance and such reasonable travelling expenses as shall from time to time be allowed by the Medical Council and approved by the Governor in Council.

Disposal of fees.

16. All monies received by the Medical Council as fees under this Act shall be applied for the purposes of this Act in accordance with such rules as may be made in this behalf by the Governor in Council.

Annual Medical List.

17. The Registrar shall in every year on or before a date to be fixed by the Medical Council cause to be printed and published a correct list of the names and qualifications of all persons for the time being entered in the register, and the dates when such qualifications

[1] The words "On the expiry of three months from the commencement of this Act" were repealed by s. 3 and Schedule of the Bombay Medical (Amendment) Act, 1916 (Bom. Act 4 of 1916), *infra*.

[2] These words were inserted by s. 2, *ibid*.

were granted, in alphabetical order according to the surnames of the persons registered. Every Court shall presume that any person entered in such list is duly registered under this Act, and that any person who is not so entered is not registered.

Penalties.

18. Whoever falsely pretends to be registered under this Act or not being registered under this Act uses in connection with his name or title any words or letters representing that he is so registered shall, whether any person is actually deceived by such pretence or representation or not, be punished on conviction by a Presidency Magistrate or a Magistrate of the first class with fine that may extend to three hundred rupees.

Rules and regulations.

19. (*1*) Subject to the provisions of this Act, the Medical Council may from time to time make rules and regulations generally to carry out the provisions of this Act :

Provided that no rules or regulations made by the Medical Council whether under this or under any of the foregoing sections of this Act shall have any force or effect unless the same shall have received the previous approval of the Governor in Council.

(*2*) All rules and regulations made by the Medical Council under this Act shall, when the same have received the approval of the Governor in Council, be published in the Bombay Government Gazette.

(*3*) It shall be lawful for the Governor in Council, by notification in the Bombay Government Gazette, to cancel any rule or regulation made under this Act.

Alteration in list of qualifications mentioned in the Schedule.

20. If it shall appear to the Governor in Council, on the report of the Medical Council or otherwise, that the course of study and examinations prescribed by any of the Colleges or bodies conferring the qualifications described in the Schedule are not such as to secure the possession by persons obtaining such qualification of the requisite knowledge and skill for the efficient practice of their profession, or if it shall appear to the Governor in Council, on the report of the Medical Council or otherwise, that the course of study and examinations prescribed by any College or body conferring a qualification not entered in the Schedule are such as to secure the possession by persons obtaining such qualification of the requisite knowledge and skill for the efficient practice of their profession, it shall be lawful for the Governor in Council from time to time by notification in the Bombay Government Gazette to direct that the possession of any qualification entered in the Schedule shall not entitle any person to registration under this Act, or to direct that the possession of any qualification not entered in the Schedule shall, subject to the provisions

of this Act, entitle a person to be so registered, as the case may be, and the Schedule shall thereupon be deemed for all purposes to be altered accordingly.

Control. **21.** If at any time it shall appear to the Governor in Council that the Medical Council has failed to exercise or has exceeded or abused any power conferred upon it under this Act or has failed to perform any duty imposed upon it by this Act, the Governor in Council may notify the particulars of such default, excess or abuse to the Medical Council; and if the Medical Council fails to remedy such default, excess or abuse within such time as may be fixed by the Governor in Council in this behalf, the Governor in Council may for the purpose of remedying such default, excess or abuse cause any of the powers and duties of the Medical Council to be exercised and performed by such agency and for such period as he may think fit.

THE SCHEDULE.

1. Doctor, Bachelor and Licentiate of Medicine, and Master, Bachelor and Licentiate of Surgery of the Universities of Bombay, Calcutta, Madras, Allahabad and Lahore.

2. Any person trained in a Government Medical College or School who holds a diploma or certificate granted by Government declaring him to be qualified to practise Medicine, Surgery and Midwifery, or to be qualified for the duties of a Military Assistant Surgeon, Hospital Assistant or Sub-Assistant Surgeon.

BOMBAY ACT No. VII OF 1912.[1]

[THE BOMBAY SMOKE-NUISANCES ACT, 1912.]

[*27th June, 1912.*]

An Act for the abatement of nuisances arising from the smoke of furnaces in the Town and Island of Bombay and to provide for the extension thereof to other areas in the Bombay Presidency.

WHEREAS it is expedient to enact a law for the abatement of nuisances arising from the smoke of furnaces in the Town and Island of Bombay and

[1] For Statement of Objects and Reasons, *see* Bombay Government Gazette, 1911, Pt. VII, p. 383; for Report of Select Committee, *see ibid*, 1912, Pt. VII, p. 94; and for Proceedings in Council, *see ibid*, 1912, Pt. VII, pp. 42 and 231.